

MESSAGE NO: 9254206 MESSAGE DATE: 09/11/2009

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 7196114
MESSAGE #
(s):

CASE #(s): A-570-601

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/01/1990 TO 05/31/1991

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTION FOR TAPERED ROLLER BEARINGS AND PARTS
THEREOF, FINISHED AND UNFINISHED FROM CHINA EXPRTD BY CHINA NATIONAL
MACHINERY (A-570-601-000/020)

MESSAGE NO: 9254206

DATE: 09 11 2009

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 7196114

REFERENCE DATE: 07 15 1997

CASES: A - 570 - 601

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PERIOD COVERED: 06 01 1990 TO 05 31 1991

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR TAPERED ROLLER BEARINGS AND
PARTS THEREOF, FINISHED AND UNFINISHED FROM CHINA
EXPRTD BY CHINA NATIONAL MACHINERY (A-570-601-000/020)

1. ON 10/06/1999, THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT
(CAFC) ISSUED A FINAL DECISION IN THE CASE OF THE TIMKIN CO. V.
UNITED STATES, NO. 99-1204, APPEALING PEER BEARING COMPANY V.
UNITED STATES, SLIP OP. 98-161 (CIT 12/07/1998). AS A RESULT OF
THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 7196114, DATED
07/15/1997 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE
SUBJECT TO THE ANTIDUMPING DUTY ORDER ON TAPERERED ROLLER
BEARINGS FROM THE PEOPLE'S REPUBLIC OF CHINA FOR THE PERIOD

06/01/1990 THROUGH 05/31/1991 DISSOLVED.

FURTHER, ON 08/20/1999, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) ISSUED A FINAL DECISION IN THE CASE OF TRANSCOM, INC. V. UNITED STATES, SLIP OP. 99-86, COURT NO. 97-01-00037. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 7084115, DATED 03/25/1997 REFERS ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON TAPERED ROLLER BEARINGS FROM THE PEOPLES REPUBLIC OF CHINA FOR PERIOD 06/01/1990 THROUGH 05/31/1991 DISSOLVED.

2. FOR ALL SHIPMENTS OF TAPERED ROLLER BEARNIGS FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED BY THE FIRM LISTED BELOW AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE

PERIOD 06/01/1990 THROUGH 05/31/1991, ASSESS ANTIDUMPING DUTIES AT THE CASH DEPOSIT RATE IN EFFECT ON THE DATE OF THE ENTRY.

COMPANY: THE CHINA NATIONAL MACHINERY IMPORT AND EXPORT CORPORATION (CMC)

CASE NUMBER: A-570-601-020

THE MERCHANDISE MAY HAVE ENTERED UNDER A-570-601-000 DURING THIS PERIOD.

3. THE NOTICE OF LIFTING OF SUSPENSION OF LIQUIDATION FOR ENTRIES OF SUBJECT MERCHANDISE FOR THE FIRM LISTED ABOVE, DURING THE PERIOD 06/01/1990 THROUGH 05/31/1991, OCCURRED WITH THE PUBLICATION OF THE AMENDED FINAL RESULTS OF ADMINISTRATIVE REVIEW (65 FR 48478, 08/08/2000). FOR ALL OTHER SHIPMENTS OF TAPERED ROLLER BEARINGS FROM THE PEOPLE'S REPUBLIC OF CHINA, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES AT THE CURRENT CASH DEPOSIT RATES OR PER-UNIT AMOUNTS.

4. THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THIS INSTRUCTION.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES.

THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER.

INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY.

IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE

CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O8:CJR).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CHRISTINE FURGASON

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party